



Order Filed on October 27, 2017
by Clerk U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

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In Re:

MARIE R. ST-PHARD, DEBTOR(S)

Case No.: 17-12633 (JKS)

Adv. No.:

Hearing Date: N/A

Judge: JOHN K. SHERWOOD

ORDER AUTHORIZING LOAN
MODIFICATION AND FOR OTHER RELIEF

The relief set forth on the following pages, two (2) through four (4) is
hereby ORDERED:

DATED: October 27, 2017


Honorable John K. Sherwood
United States Bankruptcy Court

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Debtor: Marie R. ST-Phard, Debtor(s)

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Caption of order: Order Authorizing Loan Modification and for
Other Relief

1. That the Debtor be and is hereby authorized to enter into and consummate a loan modification with Ditech Financial, LLC, pursuant to the terms and conditions of the proposed loan modification agreement, entitled 'Modification Agreement', filed as an Exhibit in support of this motion, relating to real property located at 762-764 Stuyvesant Avenue, Irvington, New Jersey, and the loan modification be and is hereby approved.

2. That the Debtor and/or Ditech Financial, LLC, be and are authorized to enter and consummate any transaction necessary and incident to the loan modification relating to this property, the sole exception being the transfer of the property or an interest in the property by the Debtor(s) to someone else.

a. Limited automatic stay relief is granted, to allow Ditech Financial, LLC, to negotiate any such agreement with the Debtor or counsel, enter into and sign a loan modification agreement, and record any documents with the appropriate county recorders office without such action being considered a violation of the automatic stay.

3. That the Debtor and/or Ditech Financial, LLC, are authorized to negotiate and prepare the terms or documents relating to a loan modification, or any necessary transaction incident to a loan modification agreement, such as, but not

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limited to the circumstances described above, with respect to this property and any such negotiation and/or preparation of documents and/or recording of documents, by the parties shall not considered to be a violation of the automatic stay and are specifically authorized by the Court.

4. That any communication by the parties relating to the loan modification shall be considered to be negotiations, pursuant to the Rules of Evidence, and shall not be used by either party against the other in the context of any subsequent litigation in this Court or any state court, federal court or non-judicial forum.

5. That nothing in this order shall be construed as a modification of the plan.

6. That the mortgage company and/or mortgage servicer may not persuade the Debtor(s) to dismiss this case in order to consummate a loan modification.

7. That because the mortgage is being modified and the pre-petition arrears are being addressed in the new mortgage, the pre-petition arrearage claim, filed by Ditech Financial, LLC, or its predecessors, assignees or successor in interest, as claim number six on the claims register, shall not be paid and the Trustee shall not make any payments/disbursements on any pre-

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petition arrearage claim. If the modification is not consummated
for any reason, Ditech Financial, LLC, may, at any time during
the pendency of this case, re-list the matter for further
hearing, otherwise, this order shall be deemed final.